



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/719,106

11/21/2003

Michael Pescatello Lewis

AOL0156

1873

22862 7590 07/22/2008

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

EXAMINER

WALSH, JOHN B

ART UNIT

PAPER NUMBER

2151

MAIL DATE

DELIVERY MODE

07/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/719,106	Applicant(s) LEWIS ET AL.	
	Examiner John B. Walsh	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amdt of 4/3/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 46-58 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2003/0236832 to McIntyre et al.

As concerns claims 46 and 57, a system to facilitate content sharing among a sender user and at least one recipient user during a real-time communications session over a network, said system comprising: at least one processing server (306) to generate dynamically a plurality of links (176,186) to locally stored content information for the sender user, said locally stored content information being stored in a relational database (0072, 0073, 0074, 0083, 0086), wherein said server comprises a network-based transaction and communications facility facilitating content sharing between the sender user and the recipient user; and at least one communications server (146,136) coupled to said at least one processing server to communicate said link and associated metadata information (fig. 9 and fig 20B, 132; 138, 144) to at least one recipient user engaged in said real-time communication session (177) with said sender user, in response to selection of a link of said plurality of links.

As concerns claim 47, further comprising the steps of: presenting a user list (fig. 10) to said sender user to enable selection of said at least one recipient user, said user list containing

said at least one recipient user (fig. 10); and receiving said selection of said at least one recipient user and a request to initiate said real-time communication session (fig. 17 and 20A).

As concerns claim 48, wherein, prior to said selection of said at least one recipient user, said at least one recipient user is available (fig. 7, 92; fig. 15) to participate in said real-time communication session.

As concerns claim 49, receiving a request for said content information (176,186) from said sender user; retrieving user-generated content preferences and user-generated media presets associated with said sender user from a user database (138); and generating said plurality of links based on said user-generated content preferences (fig. 18), said user-generated media presets (fig. 5, 50), and other content recommendations (176, 218).

As concerns claim 50, further comprising the steps of: presenting said plurality of links in a content window (fig. 9) to enable selection of said link by said sender user.

As concerns claim 51, wherein said communicating further comprises the steps of: inserting said link and said associated metadata in a real-time message displayed in a message window (fig. 9) for said sender user; and transmitting said real-time message to said at least one recipient user.

As concerns claim 52, wherein said real-time communication session is an instant messaging communication session (fig. 13A, 177).

As concerns claim 53, wherein said associated metadata information includes data pertaining to said content information to enable said at least one recipient user to review said data and to make a decision whether to accept or decline said content information (fig. 13B, 182).

As concerns claim 54, further comprising the steps of: transmitting said content information to said sender user (176,186); and responsive to a request to communicate said content information to said at least one recipient user, generating a content link to said transmitted content information and communicating said content link and associated metadata information to said at least one recipient user (fig. 9).

As concerns claim 55, wherein said presenting further comprises the steps of: locating said at least one recipient user available to participate in said real-time communication session in said user database (fig. 10; fig. 13A); and retrieving said at least one recipient user to generate said user list (fig. 10).

As concerns claim 56, said database comprises content preferences (0072,0073-online album inherently stores "content preferences").

As concerns claim 58, the metadata information comprises a title (0074;inherent for file to have a filename/title).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2003/0236832 to McIntyre et al. in view of US Patent Application Publication 2003/0105812 to Flowers, JR. et al.

McIntyre et al. '832 disclose:

As concerns claim 41, a method to facilitate exchange of content among entities during a real-time communications session over a network, said method comprising the steps of: dynamically generating a plurality of links (fig. 19; fig 8D-110,108,106,104) to content information for a sender user; and responsive to selection of a link of said plurality of links (176, 186), communicating said link and associated metadata information (fig. 9 and fig 20B, 132) to at least one recipient user engaged in said real-time communication session with said sender user.

As concerns claim 42, wherein said generating further comprises the steps of: receiving a request for said content information (176,186) from said sender user; retrieving user-generated content preferences and user-generated media presets associated with said sender user from a user database (138); and generating said plurality of links based on said user-generated content preferences (fig. 18), said user-generated media presets (fig. 5, 50), and other content recommendations (176, 218).

As concerns claim 43, a method to facilitate content sharing among entities during a real-time communications session over a network, said method comprising the steps of: facilitating selection of a link (176,186) to content information from a plurality of links displayed for a sender user in a content window (fig. 9); and facilitating real-time communication (177) of said link and associated metadata information to at least one recipient user engaged in said real-time communication session with said sender user.

As concerns claim 44, wherein said communicating further comprises the steps of: inserting said link and said associated metadata in a real-time message displayed in a message

Art Unit: 2151

window (fig. 9) for said sender user; and transmitting said real-time message to said at least one recipient user.

As concerns claim 45, further comprising the steps of: facilitating selection of a content sharing button (fig. 16; 216) in said user interface area; and responsive to said selection, dynamically generating said plurality of links based on user-generated content preferences, user-generated media presets, and other content recommendations.

McIntyre et al. do not explicitly disclose communicating through a peer-to-peer environment.

Flowers, JR. et al. teach wherein said means for communicating said link connects the sender user and the at least one recipient user directly through a peer-to-peer environment (0013,0021,0022).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the system of McIntyre et al. with peer-to-peer communications, as taught by Flowers, Jr. et al. in order to provide a distributed communication system. Such a modification is a combination of known elements yielding predictable results.

5. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2003/0236832 to McIntyre et al. as applied to claim 57 above in view of U.S. Patent No. 6,769,015 to Bates et al.

McIntyre et al. do not explicitly disclose hypertext link.

Bates et al. '015 teach a hypertext link (abstract).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the system of McIntyre et al. with hypertext links, as taught by Bates et al. to provide a convenient and quick access to network resources. Such a modification is a combination of known elements yielding predictable results.

6. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2003/0236832 to McIntyre et al. as applied to claim 57 above.

McIntyre et al. '832 discloses a search server with tables (fig. 24-134; tables/database) having particular criteria (0072-owner/acct info).

McIntyre et al. do not explicitly disclose the tables of the user groups, presets, content preferences and content list. (These are merely labels for a table, the claims do not recite the tables populated with any particular info).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide multiple tables with the particular names. Such a modification is a combination of known elements yielding predictable results.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John B. Walsh/
Primary Examiner, Art Unit 2151